

**THE OHIO SUPREME COURT:  
A PRIME EXAMPLE OF JUDICIAL ACTIVISM**

Even Ohio newspapers concede that the Ohio Supreme Court has been a hotbed of judicial activism, disregarding the law and usurping the role of the legislature. Here are some of the criticisms by Ohio newspapers:

- The *Cleveland Plain Dealer*, endorsing Justice Cook and Terrence O'Donnell in the 2000 judicial election, said:
 

"Both are Republican nominees, but their party labels are not nearly as critical as their shared philosophy of judicial restraint. By contrast, success for their opponents would enhance the prospect **that a majority of the seven-member court would continue on a controversial course of judicial activism, best illustrated in 4-3 decisions . . .**" ("O'Donnell and Cook would Shift a Narrow Majority Toward a Welcome Resurgence of Judicial Restraint," *Plain Dealer*, Oct. 29, 2002)
- The *Columbus Dispatch* wrote:
 

"A majority on the Ohio Supreme Court has confused its role of checking the powers of the General Assembly. The court instead has turned into a **legislative bulldozer, upending whatever law conflicts with the ideological bent of the majority**, legal and constitutional principles be damned." ("Role Reversal High Court Again Tries Hand at Lawmaking," *Columbus Dispatch*, Aug. 18, 1999)
- The *Akron Beacon Journal* editorialized:
 

"Those who watch the Ohio high court know Cook is no ideologue. She has been a voice of restraint in opposition to a **court majority determined to chart an aggressive course, acting as problem-solvers (as ward pols) more than jurists.**" ("A Cook Tour," *Beacon Journal*, Jan. 6, 2003)
- Referring to certain members of the Ohio Supreme Court as the "Gang of Four," Ray Cookliss of the *Cincinnati Enquirer* observed,
 

"With this week's Ohio Supreme Court victory by Lt. Gov. Maureen O'Connor to fill the seat of retiring Justice Andrew Douglas, the court's four-vote activist majority appears to have dissipated. Douglas had teamed with Justices Alice Resnick, Francis Sweeney, and Paul Pfeifer in rulings on school funding, tort reform, liability and other issues that **strained the court's credibility as a dispassionate arbiter of the law, precedent, and constitutional principles.**" ("Ohio Hail, Hail, the Gang's All Gone," *Cincinnati Enquirer*, Nov. 8, 2002)
- Referring to the *DeRolph* school funding cases, the *Toledo Blade* declared,
 

"That's because the ultimate responsibility for deciding how much money the state spends on primary and secondary education, and how it is spent, lies with the General Assembly, not with **that meddlesome majority of the high court we refer to as the 'Gang of Four.'**" ("The 'Gang of 4' Flames Out," *Toledo Blade*, Dec. 15, 2002)